IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of:	)
	) Before the Examiner
Schleppenbach, et al.	)
	) Olujimi Adesanya
Serial No. 10/579,377	)
	) Art Unit 2626
Filing Date: May 12, 2006	)
	) Date: November 6, 2009
COMMUNICATION SYSTEM AND	)
METHODS	)

MAIL STOP Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APPELLANT'S BRIEF

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Sir:

     This brief follows the Notice of Appeal filed September 8, 2009 in the above-captioned

case and supports an appeal of the Examiner's rejection of claims in the Office Action dated June

8, 2009.

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I.   Real Party in Interest

The real party in interest is the Assignee: gh LLC.

II.   Related Appeals and Interferences

Appellant, Appellant's legal representative, and Assignee know of no other prior or pending appeals, interferences or judicial proceedings that may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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III.   Status of Claims

Pending: Claims 1-5 and 7-21

Canceled: None

Allowed: None

Rejected: Claims 1-5 and 7-21

Withdrawn: Claims 1-5, 7-16 and 18-21

Appealed: Claim 17

IV.   Status of Amendments

An amendment submitted on October 13, 2008 prior to the issuance of final rejection of Claims 1-5 and 7-21 was entered by the Examiner. No further amendments have been submitted. However, claims 1-5, 7-16 and 18-21 are withdrawn from consideration on appeal by this brief, as permitted per MPEP 1205.02.

V.   Summary of Claimed Subject Matter

The following explanation of the subject matter defined in the independent claim 1, the dependent claim 12 depending from claim 1, and the dependent claim 17 depending from claim 12, with claim 17 being the only claim at issue in this appeal, is provided with reference to page and line numbers in the specification and to reference characters in the drawings in compliance with 37 C.F.R. §41.37(c)(v). These references are made to exemplary embodiments disclosed in the application in an effort to enable the Board to more quickly determine where the claimed subject matter is described in the application, and do not limit the scope of the claims.

A.   Independent Claim 1

The subject matter defined in independent claim 1 relates to a method of communicating a technical notation to a user, the method comprising the steps of: converting the notation 10 (Fig. 1) into data 10A, inputting the data into a processor to produce inputted data for processing, the processing including using a lexicon to convert the inputted data into outputted data 12A (page 5, lines 6-29 of the present specification), the lexicon including reserved words, each of the reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level, and outputting the outputted data into a format decipherable by the user (page 9, line 7 through page 10, line 19 of the present specification).

B.   Dependent Claim 12

The subject matter defined in dependent claim 12 relates to an audio output stream being generated through use of the outputting step (page 8, line 30 through page 9, line 2).

C.   Dependent Claim 17

The subject matter defined in dependent claim 17 relates to the audio output stream being settable to different levels of verbosity (page 10, line 31 through page 10, line 4).

VI.   Grounds of Rejection to be Reviewed on Appeal

A.   Claim 17

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,572,625 (Raman) in view of LargePrint Publication "JAWS for Windows" (LargePrint).

VII.   Argument

A.   Rejection of Claim 17 under 35 U.S.C. §103(a)

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,572,625 (Raman) in view of LargePrint Publication "JAWS for Windows" (LargePrint).

1. Raman and LargePrint do not disclose or suggest the patentable subject matter of claim 17.

Claim 17 recites in part that "the audio output stream is <u>settable to different levels of verbosity</u>." (Emphasis added). Appellants respectfully submit that such limitations are neither taught, disclosed nor suggested by the cited references and include distinct advantages thereover.

The subject matter of claim 17 is disclosed at page 10, line 31 through page 11 line 4 of the present specification:

> Verbosity Controls--Different levels of verbosity (e.g. Maximum
> Verbosity, Verbose, Brief, and SuperBrief) are disclosed, each of
> which having a set of rules that lengthens or shortens the audio
> stream depending upon how much information the reader requires
> or desires. For example, "BEGIN FRACTION" is shortened to "B-
> FRAC" at the lower verbosity settings.

As acknowledged by the Examiner in the Final Office Action dated June 8, 2009, Raman does not disclose that an audio output stream is settable to different levels of verbosity, as recited by claim 17.

The Examiner cites LargePrint as disclosing that an audio output stream is settable to different levels of verbosity.

i. LargePrint does not disclose different verbosity levels, as the term "verbosity" is defined by the present specification.

It is an axiom of claim construction in the USPTO that, although claim terms are given their broadest reasonable meaning, claim terms are at the same time interpreted in view of their use in the specification. "[A]s an initial matter, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification." <u>In re Morris</u>, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

Appellants submit that LargePrint does not disclose that an output stream is settable to different levels of verbosity, as "verbosity" is defined in the present specification. More particularly, the present specification defines "verbosity" as the degree to which existing words in an established output stream are abbreviated. As an example, in the present specification, "'BEGIN FRACTION' is shortened to 'B-FRAC' at the lower verbosity settings." Although words may be abbreviated according to the present invention, no words are entirely edited out or deleted from the output stream. In contrast, LargePrint does indeed disclose editing out or deleting entire words based on the verbosity setting. Specifically, LargePrint discloses adjusting "how much and what information is read" (Second full paragraph at the bottom of page 1). LargePrint does not specifically disclose a verbosity setting defined as the degree to which words are abbreviated, as is the case in the present invention.

ii. LargePrint does not disclose that an output stream is settable to different levels of verbosity, as recited by claim 17.

Appellants respectfully submit that LargePrint does not disclose that an <u>output stream</u> is settable to different levels of verbosity, as recited by claim 17. That is, LargePrint does not alter or adjust an <u>existing, or already established output</u> based upon a level of verbosity. Rather, LargePrint determines what words are to be included in the output stream based upon verbosity adjustments by the user. LargePrint uses the verbosity adjustment to set a threshold for deciding which words, phrases and sentences are to be included in the output. However, the method of LargePrint does not change the verbosity of an already established output stream itself, and does not change the verbosity of <u>individual words</u> that make up an output stream.

Claim 17 recites that "the audio stream is settable to different levels of verbosity", which, in view of page 10, line 31 through page 11 line 4 of the present specification, requires that the verbosity of individual words within an audio output stream be adjustable or "settable." "For example, 'BEGIN FRACTION' is shortened to 'B-FRAC' at the lower verbosity settings." (page 10, line 31 through page 11 line 4 of the present specification). LargePrint, in contrast, discloses that individual words in a document are not adjusted, but rather entire words are deleted or edited out.

Per claim 17, the verbosity of the <u>audio stream</u> itself is settable. That is, the <u>content</u> in the audio stream is fixed, but the verbosity of the audio stream in conveying the fixed content is settable. In LargePrint, in contrast, the verbosity of an output stream is not settable, but rather verbosity is used as a filter (i.e., a verbosity threshold is set) to determine what content is included in the output. Once the words to be included in the output are established, the verbosity (i.e., the level of abbreviation of individual words) cannot be adjusted and is not settable.

iii. LargePrint teaches away from the invention of claim 17.

LargePrint actually teaches away from setting the verbosity of an output stream to different levels. Specifically, LargePrint teaches away from selecting words for inclusion in the output list based on whether the words are abbreviated. Rather, LargePrint teaches that words are selected for inclusion in the output based on how much information is desired. However, if two streams have identical content but the words in the streams have different levels of verbosity (e.g., if the words in one stream are abbreviations of the words in the other stream), then LargePrint teaches that the two streams should be considered on an equal basis for inclusion in the final output stream. Thus, the "verbosity" adjusted by the user in LargePrint actually sets the level of content that is to be included in the output. However, the "verbosity" adjustment by the user of LargePrint does not affect the verbosity, or level of abbreviation, of the words of the output stream. Rather, in LargePrint, abbreviated words (low verbosity) are treated as being equal to unabbreviated words (high verbosity) when being considered for inclusion in the output. Thus, the term "verbosity" as used in LargePrint is a misnomer. It could more accurately be referred to as a "content level setting." This contrary to the present invention in which the verbosity setting establishes what level of abbreviation is included in the output stream. In LargePrint, the verbosity setting has no effect on what level of abbreviation is included in the output.

Accordingly, LargePrint actually teaches away from setting the verbosity of an output stream to different levels, as recited by claim 17.

2. Raman and LargePrint do not disclose or suggest the patentable subject matter of claim 1, from which claim 17 depends.

Claim 1, from which claim 17 depends, recites in part "a lexicon to convert the inputted data into outputted data, the lexicon including reserved words, each of the reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level". (Emphasis added). Appellant submits that such limitations are neither taught, disclosed nor suggested by Raman and LargePrint, alone or in combination, and include distinct advantages thereover.

Both Raman and LargePrint are completely silent as to a lexicon including reserved words each independently indicating a level of subscripts and superscripts relative to a base level. Such subject matter is disclosed at page 9, line 7 through page 10, line 9 of the specification. Thus, neither Raman nor LargePrint discloses or suggests a lexicon to convert inputted data into outputted data, with the lexicon including reserved words, and each of the reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level, as recited by

claim 1. Because claim 17 depends from claim 1, claim 17 also includes these limitations of claim 1.

The invention as recited by claim 1 includes distinct advantages over the cited references. By reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level, the user can deduce exactly what level of super- or sub-script that he is currently hearing / reading without having to wait for subsequent context cues (page 10, lines 3-9 of the present specification).

For all of the above reasons, claim 17 is in condition for allowance.

In view of the remarks above, Appellant respectfully submits that claim 17 is in condition for allowance and respectfully requests the Honorable Board of Appeals to reverse the Examiner's rejection of claim 17 from the Office Action.

Respectfully submitted,

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VIII. Claims Appendix

List of Claims Involved in the Appeal

1. A method of communicating a technical notation to a user, the method comprising the steps of: converting the notation into data, inputting the data into a processor to produce inputted data for processing, said processing including using a lexicon to convert the inputted data into outputted data, the lexicon including reserved words, each of the reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level, and outputting the outputted data into a format decipherable by the user.

12. The method of claim 1, wherein an audio output stream is generated through use of said outputting step.

17. The method of claim 12 wherein the audio output stream is settable to different levels of verbosity.

IX.   Evidence Appendix

No evidence has been entered.

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X.   Related Proceedings Appendix

Appellant is unaware of any Related Proceedings.